

REMARKS

This is in response to the Office Action dated August 13, 2010. With this response, claims 1 and 6 are amended, claims 4 and 10 are canceled, and all pending claims are presented for reconsideration and favorable action.

In the Office Action, claims 1-10 were rejected under 35 U.S.C. 102(b or e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Takahashi et al. (6,921,087), Hof (6,293,395) or Makita et al. (2003/0017236). With this amendment, independent claims 1 and 6 are amended to include limitations from dependent claims which patentably distinguish the claimed invention from the teaching of any of the cited references.

As amended, independent claim 1 is amended to include the limitations from original dependent claim 4. As amended, claim 1 now includes the limitation “wherein forming the space for storing the different material in the spout assembly further comprises forming the space such that the space functions as a passage through which content mixed with the different material will be exhausted out of the container.” None of the cited references teach or suggest forming a space in a spout assembly for storing a different material to be mixed with the content of a container such that, after allowing the different material to be mixed with the content in the container via selectively opening the space by moving a cap of the spout assembly upward, the space in the spout assembly functions as a passage through which content mixed with the different material will be exhausted out of the container. Takahashi and Makita both disclose apparatus in which space for storing material is connected to a cap in a manner such that the space would be removed from the corresponding container with the cap. In Hof, space for storing a different material is positioned lower in the container. Therefore, in view of this amendment, independent claim 1 and all of its dependent claims are believed to be in condition for allowance.

Independent claim 6 is also amended to clarify the claimed embodiment. As amended, claim 6 recites “a spouting guide member movably inserted in the lip portion by a predetermined distance, the spouting guide member providing a space for storing a different material therein which is to be mixed with the first material.” Claim 6 also now recites “a seal closer separately

and removably formed on a lower end of the spouting guide member such that after being removed to allow the different material which was stored in the space to be mixed with the first material, the space provided by the spouting guide member functions as a passage through which the first material mixed with the different material will be exhausted out of the container.” As discussed above, the cited art fails to teach or suggest this feature. Therefore, independent claim 6 and its corresponding dependent claims are believed to be in condition for allowance.

Withdrawal of all claim rejections is respectfully requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action’s characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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